
**Minutes
Police Public Safety Personnel
Retirement System Board Meeting
January 9, 2014**

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, January 9, 2014, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mark W. Mitchell, Mayor
Joe Brosius
Jim Foley
Chris McCormick
Kelly McMenemy

Legal Counsel Present:

Cynthia Kelley
David Niederdeppe

City Staff Present:

Brigitta Kuiper, City Clerk
Renie Broderick, Human Resources Director
Tim Mattix, Assistant City Clerk
Wendy Messina, Human Resources Program Coordinator
Melanie Stoddard, Executive Assistant to HR

Chair Mitchell called the meeting to order at 2:20 p.m.

ITEM I. Consideration of Meeting Minutes

Motion by Joe Brosius to approve the December 5, 2013 Executive Session Board Meeting minutes, the December 5, 2013 Joint Fire and Police Board Meeting minutes and the December 5, 2013 Board Meeting minutes; second by Jim Foley. Motion passed unanimously on a voice vote 5-0.

ITEM II. Public Appearances

Pamela Morris addressed the Board stating she has been employed with the City for 20 years. Since her injury, she has seen four hand surgeons; none were able to help with the pain. Ms. Morris stated that her body is not healing, or getting any better. The Independent Medical Exam (IME) physician, Derrik F. Woodbury, M.D., CIME, recommended re-evaluating Ms. Morris in one year, but Ms. Morris stated that her body would not get better. She stated that she loves working for the Police Department, but does not want to keep taking up a spot while the City could get someone to help Ms. Morris's peers take calls for service. Ms. Morris stated that she fought hard to become a police officer and did not intend to exit the City, but she believes that waiting a year would be futile and would not benefit the City, or herself, in anyway.

Amber Otanez, daughter of Pamela Morris, addressed the Board giving a personal, non-work related perspective. Ms. Otanez stated that her mother's pain has been constant for 14 months and has not changed. Ms. Otanez stated that there are times her mother cannot pick up her 15 month old granddaughter because her finger hurts. If the granddaughter hits her finger, Ms. Otanez has to quickly grab the child so that Ms. Morris does not drop her grandchild. Ms. Otanez stated her mother has gone through periods of depression thinking her job could be taken from her.

ITEM III. Motion to Adjourn to Executive Session, if necessary

Motion by Joe Brosius to convene into Executive Session; second by Jim Foley. Motion passed unanimously on a voice vote 5-0. The Board convened into Executive Session at 2:25 p.m.; the Board meeting was called back to order at 2:56 p.m.

ITEM IV. New Member(s)

Motion by Joe Brosius to accept the membership applications of **Melissa E. Capone** to enter into the Public Safety Personnel Retirement System; second by Chris McCormick. Motion passed unanimously on a voice vote 5-0.

ITEM V. Hearing for Accidental Disability Benefits

Chair Mitchell opened the hearing for the accidental disability benefit applications of **Paul Viso**; initial hearing held October 3, 2013, and the accidental disability benefit application of **Pamela Morris**; initial hearing held November 7, 2013. Chair Mitchell stated that the Board received the Independent Medical Exam (IME) report for Mr. Viso and Ms. Morris.

Paul Viso

Boardmember McCormick noted **Dr. Eric N. Novack's** answers to the following questions:

- 1) Does the member have a physical or mental condition which totally and permanently prevents him from performing a reasonable range of duties within his job classification? **YES**
- 2) Does the member's disability result from a physical or mental condition or injury that existed or occurred prior to the claimant's date of membership in the PSPRS? **NO**
- 3) Was the disabling condition or injury incurred in the performance of claimant's duty as a police officer? **YES**

Motion by Chris McCormick to accept the accidental disability application of Paul Viso based on the IME report provided by Dr. Eric N. Novack; second by Joe Brosius. Motion passed unanimously on a voice vote 5-0.

Human Resources Director, Renie Broderick noted the Local Board's responses to the following questions found in the Public Safety Personnel Retirement System Accidental Disability Questionnaire:

- 1) Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? **YES**
- 2) Did (or will) the employee terminate by a reason of disability? **YES**
- 3) Did employee terminate based on a disciplinary issue? **NO**
- 4) If the member's period of Deferred Retiree Option Plan (DROP) has ended, if applicable, did (or will) the employee terminate by a reason of disability? *Not applicable; Mr. Viso is not in the DROP*
- 5) Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position? **NO**
- 6) Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? **NO**
- 7) Did the injury or condition occur prior to the current PSPRS membership date? **NO**
- 8) Was the injury or condition the result of an event incurred during the performance of the employee's duty? **YES**

Pamela Morris

Kelly McMenemy stated that the application before the Board is for permanent disability, rather than temporary disability and that the Board has the responsibility to answer the following questions when voting on a permanent disability application:

- 1) Does the employee have a physical or mental condition that is the basis for disability application?
- 2) Does the injury or condition totally and permanently prevent the employee from performing a reasonable range of duties within the employee's job classification?
- 3) Was the disabling condition or injury incurred in the performance of claimant's duty as a police officer?

Boardmember McMenemy stated that Ms. Morris's options include, applying for temporary disability, or continuing on light duty. Boardmembers stated that the options could be further explained to Ms. Morris after the vote.

Cynthia Kelley, Legal Counsel, stated that the Board's decision has to be based on medical evidence before them which was provided by **Dr. Derrik F. Woodbury** whom the Board hired to perform the IME. In further discussion Joe Brosius asked to note the doctor's comments stating the injury may, or may not be a permanent injury. Boardmember Brosius agreed that Ms. Morris could be reevaluated in a year. Ms. McMenemy added that the doctor is not definitively saying one way or the other that Ms. Morris has a permanent disability.

Motion by Kelly McMenemy to deny the accidental disability application of Pamela Morris based on the IME report provided by Dr. Derrik F. Woodbury, with the potential of coming back before the Board after Ms. Morris has an opportunity to review the options of applying for temporary disability, or continuing on light duty; second by Chris McCormick. Motion passed unanimously on a voice vote 5-0.

ITEM VI. Future Meeting Date

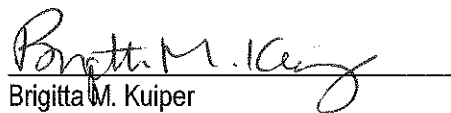
Chair Mitchell reminded the Board of the future meeting date of February 6, 2014 with the understanding that Ms. Morris is aware of the February meeting.

ITEM VII. Future Agenda Items

None.

Adjournment

Motion to adjourn by Joe Brosius; second by Kelly McMenemy. Motion passed unanimously on a voice vote 5-0. The meeting adjourned at 3:04 p.m.



Brigitta M. Kuiper
Local Board Secretary